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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,223	01/22/2002	Ray M. Alden		4576

7590 12/12/2003
Ray M. Alden
808 Lake Brandon Trail
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EXAMINER

LEE, GUIYOUNG

ART UNIT PAPER NUMBER

2875

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,223

Applicant(s)

ALDEN, RAY M.

Examiner

Guiyoung Lee

Art Unit

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: .

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the Preliminary Amendment filed Nov. 14, 2002.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-28, 30, 32-33, 45-52, 54, and 56-57 are rejected under 35

U.S.C. 102(e) as being anticipated by Eberhardt (USPT 6,433,603 B1).

Re claims 21, 27, 28, and 45: Eberhardt discloses a vehicular headlight system and a method of producing concurrent higher intensity illumination sectors where no vehicles are present and lower intensity illumination sectors where vehicles are present, comprising a sensor for sensing other vehicles (2 in Fig. 1), a vehicular headlight system adapted to provide variable illumination in a plurality of individually controlled illumination sectors (See 22, 23, and 24 in Fig. 3), a variable illumination controller (7 in Fig. 1), whereby said controller receives input from said sensor and causes said headlight system to diminish the amount of light directed toward sectors containing vehicles while concurrently not diminishing the amount of light directed toward sectors not containing vehicles (col. 5, lines 21-53).

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Re claims 22 and 46: Eberhardt discloses that each illumination sector is a fraction of both the horizontal and the vertical cross section of the total illumination distribution provided by said vehicular headlight system (22 and 23 in Fig. 3) when the headlight illumination system's output illumination pattern is incident upon an imaginary output traversing cross sectional plane located at the position of the other vehicle (See Fig. 3).

Re claims 23 and 47: Eberhardt discloses that a first illumination sector overlaps with at least some portion of a second illumination sectors (See 22 and 23 in Fig. 3).

Re claims 24-25 and 48-49: Eberhardt discloses that the vehicle sensing means sense electromagnetic radiation emitted by at least one other vehicle and converts electromagnetic radiation to an electric signal (col. 3, lines 60-67).

Re claims 26 and 50: Eberhardt discloses that at least one of the individually controlled elements is illumination emitting source (headlights 11 and 12 in Fig. 1).

Re claims 30 and 54: Eberhardt discloses that at least one headlight which contains at least two illumination emitting elements (11 and 12 in Fig.1), each of the elements being individually controllable with regard to which of at least two illumination intensities (22 and 23 in Fig. 3) are emitted therefrom.

Re claims 32 and 56: Eberhardt discloses that at least one headlight which contains at least two illumination directing elements (29 and 30 in Fig.1), each of the elements being individually controllable with regard to the selection of which of at least two illumination intensities (22 and 23 in Fig. 3) are emitted therefrom (See Fig. 8).

Re claims 33 and 57: Eberhardt discloses that the controller is an illumination control circuit (See 7 in Fig. 1).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29, 31, 34-44, 53, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt as applied to claims 21 above, and further in view of Cochard et al. (USPT 5,499,168). The teachings of Eberhardt have been discussed above.

6. Re claims 29, 34, 40 and 53: Eberhardt discloses every elements of the claimed invention except for the limitation that the lower intensity illumination sectors provided for one vehicle is at least sixty percent surrounded by sectors of the higher illumination intensity. Eberhardt discloses the lower intensity illumination sectors (22 in Fig. 3) for one vehicle is surrounded by sectors (23 in Fig. 3) of the higher illumination intensity. Eberhardt does not disclose the percentage surrounded by sectors of the higher illumination. However, Cochard teaches a light width adjusting device (24 in Fig. 3). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Cochard's light width adjusting device into Eberhardt's addition headlight (11 in Fig. 1) in order to expand the sector of the higher illumination intensity as suggested in Fig. 1.

Re claim 35: Eberhardt discloses that each illumination sector is a fraction of both the horizontal and the vertical cross section of the total illumination distribution provided by said vehicular headlight system (22 and 23 in Fig. 3) when the headlight illumination

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system's output illumination pattern is incident upon an imaginary output traversing cross sectional plane located at the position of the other vehicle (See Fig. 3).

Re claims 36-37: Eberhardt discloses that the vehicle sensing means sense electromagnetic radiation emitted by at least one other vehicle and converts electromagnetic radiation to an electric signal (col. 3, lines 60-67).

Re claim 38-39: Eberhardt discloses that at least one of the individually controlled elements is illumination emitting source (headlights 11 and 12 in Fig. 1).

Re claim 41: Eberhardt discloses that at least one headlight which contains at least two illumination emitting elements (11 and 12 in Fig. 1), each of the elements being individually controllable with regard to which of at least two illumination intensities (22 and 23 in Fig. 3) are emitted therefrom.

Re claims 31, 42, and 55: Considering limitations of claims 31, 42 and 55 that at least one headlight contains at least two illumination filter elements, Cochard discloses two illumination filter elements (a smooth region and a region with optical elements 126 in Fig. 4).

Re claim 43: Eberhardt discloses that at least one headlight which contains at least two illumination directing elements (29 and 30 in Fig. 1), each of the elements being individually controllable with regard to the selection of which of at least two illumination intensities (22 and 23 in Fig. 3) are emitted therefrom (See Fig. 8).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is (703) 308-8567. The examiner can normally be reached between the hours of 8:00 AM to 3:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this Group is (703) 872-9306. The Right Fax phone number for the examiner is (703) 746-4766.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Guiyoung.lee@uspto.gov**].

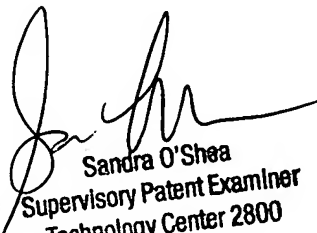
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

GAU2875

November/19/2003


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800